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ABSTRACT

This ERIC digest provides highlights of the Individuals with Disabilities Education Act Amendments of 1997 (P.L. 105-17). Changes to general provisions of the law are explained, as well as changes in other areas, such as outcomes and standards, evaluations and curriculum, procedural safeguards, discipline, early intervention, and teacher training and preparation. Specific changes include: (1) participation of students with disabilities in state and district-wide assessment programs; (2) development and review of the Individualized Education Program, including increased emphasis on participation of children and youth with disabilities in the general education curriculum; (3) enhanced parent participation in eligibility and placement decisions; (4) streamlined student evaluation/reevaluation requirements; (5) the availability of mediation services as a means for effectively resolving parent-school differences; (6) disciplinary procedures for students with disabilities, including allowing for an appropriate interim alternative education setting; (7) allowing children ages 3-9 to be identified as developmentally delayed; and (8) the creation of a new system of grants to improve results for students with disabilities through system reform, emphasizing personnel training and training for regular education teachers of early grades. (CR)

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On June 4, 1997, President William J. Clinton signed the bill reauthorizing and amending the Individuals with Disabilities Education Act (IDEA). The bill became Public Law 105-17, the Individuals with Disabilities Education Act Amendments of 1997; it was the 17th law passed by the 105th Congress.

IDEA is organized in four parts: Part A, General Provisions; Part B, Assistance for the Education of All Children with Disabilities (school age/preschool programs); Part C, Infants and Toddlers with Disabilities; and Part D, National Activities to Improve the Education of Children with Disabilities (support programs). P.L. 105-17 retains the major provisions of earlier federal laws in this area, including the assurance of a free appropriate public education (FAPE) in the least restrictive environment (LRE) and the guarantee of due process procedures. It also includes modifications to the law. Some of the changes that affect special education practice nationwide include:

- Participation of students with disabilities in state and district-wide assessment (testing) programs (including alternative assessment)
- Development and review of the individualized education program (IEP), including increased emphasis on participation of children and youth with disabilities in the general education curriculum and the involvement of general education teachers in developing the IEP
- Enhanced parent participation in eligibility and placement decisions
- Streamlined student evaluation/reevaluation requirements
- Identification of transition service needs within a child's course of study beginning at age 14, the age at which transition services should begin
- The availability of mediation services as a means of more effectively resolving parent-school differences
- Disciplinary procedures for students with disabilities, including allowance for an appropriate interim alternative educational setting
- Allowing children ages 3-9 to be identified as developmentally delayed; previously, it was ages 3-5.

Following are some of the highlights of the new law.

Outcomes and Standards

In the area of outcomes and standards, IDEA '97 requires states to:

- Include students with disabilities in state and district-wide testing programs, with accommodations when necessary.
- Establish performance goals for students with disabilities.

Evaluations and Curriculum

In the area of evaluations and IEPs, IDEA '97:

- Requires an explanation in the IEP, if necessary, of how state and district-wide assessments will be modified so that students with disabilities can participate in these assessments.
- Requires states to ensure that students with disabilities have access to the general education curriculum, and, if a student will ***not*** be participating in the general education program and extracurricular activities, an explanation in the student's IEP is required.
- Requires regular education teachers to be included on the IEP team if the student is participating or might be participating in general education classes.
- Expressly requires that the IEP address positive behavioral intervention strategies, if appropriate.
- Requires state and local educational agencies to ensure that parents are members of any group that makes placement decisions.
- Streamlines the reevaluation process, allowing parents and school districts to determine any areas in which reevaluation data are not needed.
- Requires informed parental consent for all evaluations and reevaluations unless the school district can demonstrate that it has taken reasonable measures to obtain consent and the parent has failed to respond.

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- Requires that parents be informed about the educational progress of their child at least as often as parents of nondisabled children.

- Specifies that a statement of transition services needs relating to course of study be included in the student's IEP beginning at age 14.

- Requires that instruction in and use of Braille be considered for students who are blind or visually impaired.

- Adds "orientation and mobility services" to the definition of related services.

Procedural Safeguards

In the area of procedural safeguards, IDEA' 97:

- Requires more "user-friendly language" in delivering information to parents about their child's rights.

- Requires that parents be given access to ***all*** records relating to their child, not just those "relevant" records on the identification, evaluation, and educational placement of their child.

- Preserves existing procedural safeguards, such as due process and the right of parents to recover reasonable attorneys' fees and costs if they prevail in administrative or judicial proceedings under IDEA. (But, in most cases, attorneys' fees cannot be reimbursed for IEP meetings.)

- Requires each state to establish a voluntary mediation process, with qualified, impartial mediators who are knowledgeable about mediation techniques as well as special education laws and regulations.

Discipline

In the area of discipline, IDEA '97:

- Ensures that no student with a disability is denied ongoing educational services due to behavior. Schools must continue to provide educational services for students with disabilities whose suspension or expulsion constitutes a change in placement (usually more than 10 days in a school year).

- Gives schools the authority to remove students with disabilities to alternative settings for behavior related to drugs, guns, and other dangerous weapons for up to 45 days.

- Allows schools to place a student in an "interim alternative educational setting" (IAES), another setting, or suspend a student for up to 10 days in a school year, in the same way students without disabilities are disciplined.

- Requires the IEP team to conduct a "manifest determination" once a school decides to discipline a student with a disability. The IEP team must determine—within 10 calendar days after the school decides to discipline a student—whether the student's behavior is related to the disability. If the behavior *is not* related to the disability, the student may be disciplined the same as a student without a disability, but special education and related services must continue.

- Permits school personnel to report crimes allegedly committed by students with disabilities to law enforcement authorities.

Early Intervention and Preschool Services

In the area of early intervention and preschool services, which is now Part C, IDEA '97:

- Requires that local school districts participate in a transition planning conference for toddlers with disabilities who are about to enter preschool.

- Explicitly calls for delivery of early intervention services in natural environments.

- Clarifies that the early intervention program is the payor of last resort.

Teacher Training and Preparation

In the area of teacher training and preparation, IDEA '97:

- Creates a new system of grants to improve results for students with disabilities through system reform, emphasizing personnel training and training for regular education teachers of early grades.

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